

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES CARL KELLY,

Plaintiff,

v.

R. CROSS, et al.,

Defendants.

No. 2:23-cv-1422 TLN AC P

ORDER

Plaintiff James Carl Kelly (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 21, 2025, the magistrate judge filed findings and recommendations which were served on Plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 13). Plaintiff has not filed objections to the findings and recommendations.

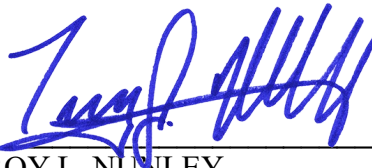
The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”). Having reviewed the file, the Court finds the findings and recommendations to be supported by

the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 13) are ADOPTED in full;
2. Plaintiff's applications to proceed in forma pauperis (ECF Nos. 5, 10) are DENIED;
3. Within thirty (30) days of the filing of this order, Plaintiff shall pay the entire \$405.00 in required fees or face dismissal of this case; and
4. This matter is referred back to the assigned magistrate judge for all further pretrial proceedings.

DATED: March 28, 2025



TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE